



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A TELEPHONIC MEETING JULY 31, 2014  
MINUTES FOR TELEPHONIC MEETING**

**AGENDA ITEM 1 – Call to Order – July 31, 2014**

Chairperson Van Hassel convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

A roll call was taken. The following Board Members were present: William Francis, Darren Kennedy, Kyra Locnikar, Reuben Minkus, John Musil, Nona Rosas, and Tom Van Hassel. The following Board Members were not present: Jim Foy and Dennis McAllister. The following staff members were present: Executive Director Hal Wand, Deputy Director Cheryl Frush, and Assistant Attorney General Monty Lee.

**AGENDA ITEM 2 – Declaration of Conflicts of Interest**

There were no declarations of conflicts of interest.

**AGENDA ITEM 3 – Complaint #4336 – Rx Formulations and Troy Albright**

Chairperson Van Hassel opened the discussion by stating that the Board would review Complaint #4336 and determine what action to pursue on the complaint.

Chairperson Van Hassel stated that Mr. Baker, Legal Counsel for Rx Formulations and Mr. Albright, was present via telephone.

Chairperson Van Hassel asked Mr. Baker if he would like to address the Board. Mr. Baker stated that he would like to add a comment to their filed response. Mr. Baker stated that Mr. Albright stated that he is not doing bulk sterile compounding. Mr. Baker stated that Mr. Albright only compounds sterile products upon the presentation of a prescription. Mr. Baker stated that the amount of sterile compounding is very small.

Mr. Baker stated that they have handled any requests made by the Compliance Officer, Board, or FDA immediately. Mr. Baker stated that he feels that the concerns were addressed.

Ms. Locnikar asked if changes have been made to the clean room. Mr. Baker indicated that the clean room has been recertified. Mr. Baker indicated that they have taken care of any issues raised by the Board or the FDA. Mr. Baker stated that an expert could review the clean room.

Dr. Musil asked if Mr. Albright had updated his policies and procedures. Mr. Baker indicated that the policies and procedures had been updated.

Mr. Minkus asked if the areas Mr. Waggoner addressed in his reports were corrected. Mr. Baker indicated that he believes the problems were corrected.

The Board Members asked that Mr. Waggoner conduct an inspection of the pharmacy to see if the areas he noted that were in violation were corrected.

**On motion by Ms. Rosas and Dr. Musil**, the Board unanimously agreed to ask the pharmacist in charge to appear for a conference at the August Meeting (second day).

**AGENDA ITEM 4 – Case #14-0017-PHR – Re-Consideration of the Board’s decision on Case #14-0017- PHR referring the Case to formal hearing**

Chairperson Van Hassel opened the discussion by asking Mr. Lee to address the Agenda item.

Mr. Lee stated at the June Board Meeting the Board had decided to refer Complaint #4327 to Formal Hearing. Mr. Lee stated that the Complaint and Notice of Hearing was sent out to the Pharmacist in Charge, the staff pharmacist, and the permit holder. Mr. Lee stated that the respondents in the case have obtained separate attorneys. Mr. Lee stated that Ms. Cassetta is requesting separate hearings because she represents Phoenix Children’s Hospital and Ms. Cavanagh. Mr. Perlmutter is representing Mr. Brauner. Mr. Lee stated that Ms. Cassetta is also requesting that the Hearing be continued until the October meeting.

Mr. Lee stated that the Board could rescind the Hearing Notice and schedule a conference with the respondents at the August meeting. Mr. Lee stated that this would probably be the most efficient resolution. Mr. Lee stated that the Board could have a dialogue with the respondents and if a consent agreement was offered the Board could discuss the terms at that time. Mr. Lee stated that a conference would be the best use of resources and time.

Mr. Lee stated that if the Board would like to continue with a Hearing he would redraft the Hearing Notice for October and separate the Hearings.

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to rescind the Hearing notice and schedule two separate conferences for the August meeting.

#### **AGENDA ITEM 5 – Call to the Public**

Chairperson Van Hassel announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one came forth.

#### **AGENDA ITEM 6 – Adjournment**

There being no further business to come before the Board, Chairperson Van Hassel adjourned the meeting at 10:35 P.M.